

# MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

## Official Minutes

May 11, 2005

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
JEFFERSON CITY, MISSOURI, ON WEDNESDAY, MAY 11, 2005**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Wednesday, May 11, 2005, in Jefferson City, Missouri, was called to order at 8:30 a.m. by Marjorie B. Schramm, Chairman. The following Commissioners were present: Bill McKenna, Vice Chairman, James B. Anderson, Duane S. Michie, Wallace S. Hartsfield, and Mike Kehoe.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Mr. Pete Rahn, Director of the Missouri Department of Transportation; Mr. Rich Tiemeyer, Chief Counsel for the Commission; and Mrs. Mari Ann Winters, Secretary to the Commission, were present on Wednesday, May 11, 2005.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.  
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

**MICHAEL L. (MIKE) KEHOE QUALIFIED AS A  
MEMBER OF THE MISSOURI HIGHWAYS  
AND TRANSPORTATION COMMISSION**

On April 13, 2005, Governor Matt Blunt announced the appointment of Michael L. (Mike) Kehoe of Jefferson City to the Missouri Highways and Transportation Commission for a term ending March 1, 2011, or until his successor is duly appointed and qualified, vice Larry D. Webber, term expired.

Mr. Kehoe was confirmed by the Senate on May 5, 2005. He was duly sworn on May 11, 2005, in the central office of the Missouri Department of Transportation in Jefferson City, Missouri, by Supreme Court Judge Mary Rhodes Russell.

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**CLOSED MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Immediately prior to closing its meeting, and upon motion by Commissioner McKenna, seconded by Commissioner Michie, to convene in closed session, the Chairman asked for a voice vote of the members. The vote was as follows:

Commissioner Schramm, Aye  
Commissioner McKenna, Aye  
Commissioner Michie, Aye  
Commissioner Anderson, Aye

Commissioner Hartsfield, Aye  
Commissioner Kehoe, Aye

whereupon the Commission closed its meeting. The Commission subsequently opened its meeting and took the action pertaining to competitive bids for roadwork recorded on page 21. After adjourning the open meeting, the Commission returned to its closed meeting to discuss other items on its closed meeting agenda.

\* \* \* \* \*

**APPROVAL OF MINUTES, REGULARLY SCHEDULED  
HIGHWAYS AND TRANSPORTATION COMMISSION MEETING,  
APRIL 6, 2005**

Upon motion by Commissioner Michie, seconded by Commissioner McKenna, the Commission unanimously approved the minutes of its April 6, 2005, regularly scheduled meeting. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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**CONSENT AGENDA**

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and

intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

Item No. 2, "Professional Engineering Services Contract" was removed from the consent agenda. Upon motion by Commissioner Michie, seconded by Commissioner McKenna, the remaining items on the consent agenda were unanimously approved.

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**RESOLUTION EXPRESSING APPRECIATION TO  
LARRY D. WEBBER FOR SERVICE ON THE  
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**

Upon motion by Commissioner Anderson, seconded by Commissioner McKenna, the Commission unanimously adopted the following resolution:

WHEREAS, Larry D. Webber of Mexico was appointed to the Missouri Highways and Transportation Commission by Governor Bob Holden on March 9, 2004, and he served until May 5, 2005; and

WHEREAS, Mr. Webber brought to the Commission a long and distinguished civic service background, professional development, and astute business expertise; and

WHEREAS, Mr. Webber exemplified the role of public servant by his outstanding contributions to the Mexico community and the State of Missouri; and

WHEREAS, Mr. Webber gave of his personal time, talents, and energy in an effort to provide a state transportation system that would be of optimum benefit to all Missourians; and

WHEREAS, Mr. Webber performed his duties as a member of the Commission with dignity, integrity, fairness, and a genuine compassion for the best interests of all Missourians, without regard to their area of residence or station in life; and

WHEREAS, Mr. Webber earned not only the respect, but also the friendship of the MoDOT staff and his fellow Commission members;

NOW, THEREFORE, BE IT RESOLVED that the Missouri Highways and Transportation Commission does hereby express its appreciation and gratitude to Mr. Webber for the public service he has performed for the citizens of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Mr. Webber so he will have a permanent record of the high esteem and affection in which he is held by the members of the Missouri Highways and Transportation Commission and Missouri Department of Transportation staff.

\* \* \* \* \*

#### **APPOINTMENT OF COMMISSION COMMITTEES**

The Chairman appointed Commissioners Michie, Anderson, and Kehoe to the Audit Committee. The Audit Committee was established by Commission action on September 4, 1998. The Chairman further reestablished the Legislative Committee and appointed Commissioner McKenna and herself to serve thereon. No other committees were established or reestablished.

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#### **REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has two committees: Audit Committee and Legislative Committee. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following committee/board reports were made during the May 11, 2005, meeting.

**Legislative Committee** – Commissioner McKenna reported that the legislative session would end on May 13, 2005, at 6:00 p.m. The Director of Governmental Affairs will provide a report to the Commission on transportation related bills following the close of session.



**MoDOT and Patrol Employees Retirement System** – Commissioner Anderson reported that the Retirement System Board of Trustees would be meeting on May 26, 2005. During that meeting, the Board of Trustees will further discuss the legislative proposal to consolidate the MoDOT and State Highway Patrol Employees Retirement System with the Missouri State Employees Retirement System and other operational issues.

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### **HEARING – DELEGATION REGARDING PROPOSAL TO FOUR-LANE ROUTE 36**

Mr. Tom Boland was the principal spokesman of a delegation representing the U.S. 36/I-72 Transportation Corporation. The corporation is continuing its efforts to find a means to cost-share with MoDOT on a project to four-lane Route 36 from Macon to eight miles west of Hannibal.

Mr. Boland told the Commission that the U.S. 36/I-72 Transportation Corporation has received outstanding cooperation from MoDOT's management and support staff. Unfortunately, however, the proposed five-county sales tax initiative needed to fund the local area share of the project was defeated in one of the counties (Ralls County), which thereby, resulted in defeat of the measure in total. Because the measure was approved by a 2:1 vote in each of the other four counties (Macon, Monroe, Marion, and Shelby), Mr. Boland said supporters of the project are currently working to place a measure on the August 2005 ballot to rearrange the transportation development district to exclude Ralls County. The funding proposal will continue to be a 15-year, ½-cent sales tax.

Mr. Boland thanked the Commission for its continued support.

Mr. Rahn commended the delegation for its perseverance and said MoDOT would like to have the opportunity to complete the Route 36 corridor. The Commission encouraged the delegation to continue its efforts.

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## **MoDOT REORGANIZATION**

Director Rahn presented a revised organization structure for the Department of Transportation. He noted that the unique structure is intended to keep the organization focused on delivering its tangible results.

Mr. Rahn explained that “Team MoDOT” would have three structural teams, with the center of each being the tangible results. The central team is the “System Delivery Team.” In this team, the ten districts and Motor Carriers are aligned closest to the tangible results because they predominately deal with the public and deliver the final products or results. The divisions that directly support the districts in system delivery are also a part of the System Delivery Team. This team reports to the Chief Engineer.

The second team is the “System Facilitation Team.” This team provides support to the System Delivery Team. It is comprised of divisions that focus on employee issues and benefits, purchasing, information systems, budgeting and accounting, and risk management. This team reports to the Chief Financial/Administrative Officer.

The third team is the “Organizational Support Team.” This team includes Community Relations, Governmental Relations, Audits and Investigations, Chief Counsel’s Office and Organizational Results. He explained that the newly formed Organizational Results Division combined the prior Research and Technology Division with Strategic Planning. He anticipated

that the use of the research function would become broader in focus as it pursues solutions to problems within MoDOT. The Organizational Support Team reports to the Director.

Mr. Rahn explained that the organizational structure was designed to create teams that will focus on delivery of the tangible results and clearly depict the expectation for MoDOT to operate as a team working to benefit the public.

Commissioner McKenna commended the Director's efforts to organize the department in a manner that focuses on results.

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## **FISCAL YEAR 2006 BUDGET**

On behalf of the Director, Pat Goff, Director of Finance, reviewed the proposed Fiscal Year 2006 budget.

Mr. Goff noted that revenues include federal reimbursements (39 percent), motor fuel tax (30 percent), motor vehicle licenses/drivers' licenses (15 percent), motor vehicle sales/use taxes (10 percent), and interest earnings and miscellaneous/cost reimbursements (6 percent). Mr. Goff reviewed the forecast assumptions for each of the revenue sources.

Mr. Goff reminded the Commission that he had requested approval of a \$1.8 billion preliminary budget in November 2004, in order to present it to the legislature for its consideration. He explained that the difference between that request and the \$2.2 billion draft budget currently being proposed resulted from legislative decisions to date; the budget proposal continues to be subject to legislative action. He noted that the impact of Amendment 3, which was approved by the voters in November 2004, has been included in the proposed budget.

Mr. Goff called attention to the detailed Capital Improvement Program, Fleet/Equipment Plan, and Information Technology Expenditures. He explained that the staff would not only be

requesting budget authority, but also authority for the staff to spend the total budgeted amounts in each of these areas without further consideration by the Commission.

Mr. Goff said the staff had reassessed its capital improvement needs and lowered its anticipated capital improvement budget by \$2 million, resulting in a total request for Fiscal Year 2006 of \$12.7 million. He pointed out that the fleet plan includes \$23.4 million in fleet acquisitions plus funding for equipment repairs, fuel, leases, and fleet liability for a total of approximately \$53.3 million.

Mr. Goff explained that in order to ensure wise expenditure of funds for Information Technology functions and services, a team had been assembled to review each request. As a result approximately 60 percent of the requests are being granted. The total of the proposed Fiscal Year 2006 Information Technology budget is \$37.2 million.

Commissioner Michie asked if the staff had compared its expenditure for Information Technology with that of other states. Mr. Goff responded that much of the software being used has been developed by the American Association of State Highway and Transportation Officials. He said while the Federal Highway Administration compares how much is spent by each state in various categories, the comparison for MoDOT will become more difficult as MoDOT transitions to a budget based on tangible results. Efforts are being made, however, to improve comparative tracking results.

In response to Commissioner McKenna's inquiry on the source of funding to meet new needs in the Motor Carrier area, Mr. Goff reported that funding was comprised of federal safety funds, highway funds for Information Systems staff support, and a combination of other sources. Jan Skouby, Director of Motor Carriers, reported that the motor carriers automation project approved by the Commission in June 2004 is anticipated to be completed on August 28, 2005,

which is one year ahead of schedule.

Commissioner Anderson noted that this was the first year for implementation of the “bottom-up” budgeting process and inquired about the success of that endeavor. Mr. Goff said MoDOT had experienced two major changes that had delayed progress in this area: the coding simplification process and the new direction to link MoDOT’s activities to its tangible results. Efforts will continue to implement the “bottom-up” process.

Mr. Goff presented a tabulation of the budget with the funds reallocated to the tangible results. He pointed out that this first attempt to reallocate funds in this manner required estimations in many of the areas. This type of reporting will allow more informed decisions on where available funding should be allocated.

Director Rahn emphasized that linking the budget to tangible results is crucial to managing by result. He stated that the information in the tangible results tabulation would become more exact in the future as coding revisions are implemented. For Fiscal Year 2006, this report will be submitted parallel to the normal budget presentation.

Commissioner Anderson questioned the request for “Levering Transportation to Advance Economic Development” at a \$3 million level when it had been the Commission’s direction over the past few years to increase funding for economic development/cost-share projects. The staff will review this item further.

Commissioner Hartsfield requested additional information on the budget as it pertained to personnel.

Commissioner Kehoe asked that the staff provide explanatory detail for the significant variances between the prior year’s budget or actual expenses and the Fiscal Year 2006 request.

Mr. Goff said the staff would be requesting Commission action on the budget at the Commission's June 10, 2005, meeting. He noted that prior to that time the staff would refine and finalize its budget request and resubmit it to the Commission for review in advance of its meeting.

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### **AMENDMENT 3 BONDS, SELECTION OF SERVICE PROVIDERS**

On behalf of the Director, Pat Goff, Director of Finance, advised the Commission that the staff is seeking to meet the first year of the Smooth Road Initiative funding requirement and acceleration of projects in the Statewide Transportation Improvement Program (STIP) through the sale of approximately \$360 million of bonds. Mr. Goff said he anticipated that approximately \$72 million of those bonds would be variable rate and the remaining approximately \$290 million would be fixed rate; however, the market will determine the actual amount of the sale.

Mr. Goff reviewed the timeline of major events leading to the sale of the bonds in late June to mid-July. In order to be able to meet that schedule, he recommended the Department Director or Director of Finance be authorized to select service providers for the upcoming bond issuance, including, but not limited to, the bond trustee and liquidity provider. Selection of these providers will be through a Request for Proposal process.

After consideration and upon motion by Commissioner Michie, seconded by Commissioner McKenna, the Commission unanimously approved the recommendation and

authorized the Director or Director of Finance to execute contracts with the service providers, subject to the contracts being approved as to form by the Chief Counsel's Office.

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## **MoDOT's TRACKER**

Director Rahn recalled that the *Tracker* is MoDOT's performance measure tracking system. The April 2005 *Tracker* is the second quarterly publication; however, a number of the measurements are still under development. Mr. Rahn stated that as the *Tracker* matures, MoDOT management and others who view the report would see more information presented in a useful format.

By way of explanation of the performance measures, Director Rahn reviewed several specific measures within the *Tracker*. The *Tracker* is available to the public via the Internet ([www.modot.mo.gov](http://www.modot.mo.gov)) and upon request.

The Commission commended the Director on the staff's efforts to not only measure its performance, but also to make MoDOT more transparent by providing this information to the public.

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## **2006-2010 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

On behalf of the Director, Kevin Keith, Chief Engineer, explained that preparation of a Statewide Transportation Improvement Program (STIP) is required by state and federal law. It contains projects that MoDOT will be undertaking over the next five-year period.

## **Roadway and Bridge**

Mr. Keith pointed out that one section of the STIP contains projects on which preliminary engineer and design work for roadway and bridges will be undertaken. These projects may or may not ultimately be constructed. The second section lists projects scheduled for right-of-way acquisition and construction. Upon approval of the Commission, the projects in the second section become firm commitments to the public that the specific improvements will be constructed.

Mr. Keith stated that the proposed 2006-2010 STIP totals \$7.2 billion, which represents the largest program in MoDOT's history. Of the \$7.2 billion program, \$5.9 billion involve highway and bridge work; \$700 million involve multi-modal projects; and \$645 million involve sub-allocated funds. (Sub-allocated funds are federal funds that are designated for specific functions, such as congestion mitigation, transportation enhancement projects, research, and off-system bridge projects.)

Mr. Keith reported that in Fiscal Year 2006, the proposed highway and bridge program totals \$1.36 billion. (This number includes design costs, right-of-way costs, incidental costs, employee costs, and construction costs.) In Fiscal Year 2007, the proposed program totals \$1.35 billion. The program declines to \$1.2 billion in Fiscal Years 2008 and 2009. In Fiscal Year 2010, the program falls to \$800 million, which reflects the conclusion of the Amendment 3 bonding period.

Mr. Keith said that voter approval of Amendment 3 in November 2004 will generate approximately \$180 million to \$190 million annually, which will allow \$1.7 billion to \$1.9 billion in bond financed projects. He recalled there are three elements that resulted from the Amendment 3 program: Smooth Roads Initiative, Acceleration of Existing Project



Commitments, and New High-Priority Projects.

The Smooth Roads Initiative (Element 1) will result in 2,200 miles of road being in “good” condition in three years. These roads carry 60 percent of all the traffic in the State of Missouri; 86 percent of Missouri’s residents live within ten miles of these roads. The 186 projects involved in the Smooth Roads Initiative will cost approximately \$375 million. This program is underway.

Acceleration of Existing Project Commitments (Element 2) allowed 55 projects totaling \$427 million to move forward. These represented major projects that could be built sooner and rehabilitation projects located on the Smooth Roads Initiative corridors. Eighteen of the 55 projects, costing approximately \$123 million, are currently under contract.

New High-Priority Projects (Element 3) are new projects. Mr. Keith noted that selection of these projects was done in keeping with the planning framework process that began over a year ago. (The planning framework process involves regional planning commissions and metropolitan planning organizations in the project identification and prioritization process.) As a result of these efforts, the program includes 38 new high-priority projects totaling \$1.62 billion. This total includes all available resources.

Director Rahn commended the MoDOT staff for the speed in which it has addressed the resources provided by Amendment 3. He noted that in the past six-month period, the staff had not only increased the current year’s construction and maintenance program, but also determined project priorities for a \$1.9 billion program. He said he did not know if there was a department of transportation in the country that could have gone through a process that involved so many people across the state in selecting projects in such a short period of time. Mr. Rahn said this accomplishment is representative of an extremely competent and dedicated staff that willingly

worked many additional hours to meet this schedule.

Mr. Keith discussed how the projects within the proposed STIP will contribute to attaining MoDOT's tangible results. He emphasized that the program reflects the staff's strategy to concentrate efforts to increase the number of major roads in "good" condition while retaining the present condition of minor routes. He said while safety is a focus on every project, \$125 million had been set aside for safety improvement projects on roadways that have experienced an accident history or where proactive solutions can prevent future accidents.

Mr. Keith pointed out that the \$1.9 billion program includes \$30 million per year for economic development/cost-share projects. He said the staff was not recommending an increase in the \$30 million level at this time because it has been able to meet all requests for these types of projects to date.

## **Multimodal**

Brian Weiler, Director of Multimodal Operations, presented MoDOT's five-year plan for aviation, railways, waterways, and public transportation. Mr. Weiler pointed out that unlike the road and bridge program, MoDOT does not own or operate any of the multimodal facilities and, therefore, must work closely with local owners and operators to provide these services to the public and complete the projects identified in the five-year STIP.

## **Aviation**

Mr. Weiler related the multimodal plan to the tangible results. He noted that the aviation program totals \$145 million. This program involves 100 general aviation airports; it does not include scheduled airline services, such as Kansas City, St. Louis-Lambert, Joplin, and Springfield. The funding primarily goes to airport maintenance and improvement projects. The program includes construction of two new general aviation airports, three new runways at

existing airports, and nine runway extensions.

### **Railroads**

Mr. Weiler noted that \$56 million is included in the program for passenger rail and rail crossing improvements. The General Assembly appropriated \$6.2 million in the Fiscal Year 2006 budget for continuation of the twice daily, state-supported Amtrak line between St. Louis and Kansas City. Congress continues its debate on federal funding for Amtrak, which could negatively impact rail passenger service in Missouri.

Mr. Weiler reported that MoDOT is in various stages of negotiations with the five major railroads on corridor projects. The program includes 446 rail crossing improvements over the next five years.

### **Waterways**

Mr. Weiler noted that the five-year program for waterways is \$9.5 million. He said there is significant port development on the Mississippi River, with capital improvement funds needed to continue record tonnage levels. In addition to capital improvements, the funding provides assistance to 14 public authorized port facilities in Missouri, seven of which are currently operational, and two ferry boat operations.

### **Transit**

Mr. Weiler stated that \$492 million was included in the program for transit. Of that amount, \$328 million are federal urban pass-through funds that go to Missouri's metropolitan areas of 50,000 and greater. MoDOT actually administers \$164 million, which is used for operating assistance for transit providers and facility improvements. Mr. Weiler estimated that over 1,100 transit vehicles would be purchased during the five-year program period. Operating assistance will be provided to 37 transit agencies and 200 not-for-profit specialized organizations

to provide handicapped and elderly transportation assistance.

### **Program Development**

Kyle Kittrell reviewed the planning framework process that was used to develop the 2006-2010 STIP. Transportation partners on both the local and statewide level participated in the process. MoDOT's District Engineers worked with regional planning commissions and metropolitan planning organizations to discuss major transportation projects around the state. Mr. Kittrell said the goal was to put in place a process that would be understandable and transparent; he felt that goal had been realized.

Mr. Kittrell reported that the 2006-2010 STIP would now become subject to a 45-day public comment period. The STIP will be available to the public via the Internet and at all MoDOT offices. It is also sent to each member of the legislature and to others upon request. The public comments will be reviewed by the staff and recommendations thereon presented to the Commission at its July 2005 meeting.

The Commission commended the staff for its efforts in developing the above plan in a manner that involved the local areas in the process and that used innovative funding means to provide needed improvements as quickly as possible.

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### **MoDOT FISCAL YEAR 2005 THIRD QUARTER BUDGET COMPARISON**

On behalf of the Director, Jim Deresinski, Controller, compared the Fiscal Year 2005 third quarter revenues and expenditures with the Fiscal Year 2005 budget and actual spending for Fiscal Year 2004.

Commissioner Anderson noted that MoDOT is in very good financial condition as reflected by the third quarter report. He challenged the staff to remain conservative in its expenditures and avoid temptations to unnecessarily spend individual division or district budget fund balances during the last quarter.

Director Rahn told the Commission that he was pleased to be hearing conversations within MoDOT that reflect a desire to not use funds during the last quarter for anything that does not contribute to a positive effect on the tangible results.

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**PURCHASE EXCEEDING \$200,000,  
VARIOUS SIGN POSTS**

On behalf of the Director, Dave DeWitt, Director of Administrative Services, recommended approval of bids from Brookfield Fabricating Corporation, The Marion Steel Company, and Universal Forest Products, Inc., for various sign posts. MoDOT anticipates the purchase of 12,563 posts at a cost of \$700,972. Actual quantities purchased may exceed estimated quantities based upon the needs of the Smooth Roads Initiative.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, or Director of Administrative Services to execute the contracts with these companies in keeping with their bids through the end of Fiscal Year 2005.

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**PROFESSIONAL ENGINEERING SERVICES CONTRACT,  
THE TRANSVISION GROUP**

On behalf of the Director, Dave Nichols, Director of Project Development, recommended approval of a contract with The TransVision Group to assist MoDOT staff in developing supportive internal processes and unique design-build proposal language in order to pursue a design-build project delivery method. The contract ceiling will be \$800,000. Mr. Nichols explained that MoDOT has statutory authority to do three design-build projects. The consultant will assist with review of the administrative rules applicable to the design-build process, as well as assist the staff in developing a process to use for the first two design-build contracts in order to get the most value from this project concept. Should MoDOT desire to proceed with a design-build project, the staff will present its recommendation to the Commission for consideration. The consultant's work will be completed in a one-year period.

After discussion and upon motion by Commissioner McKenna, seconded by Commissioner Michie, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, Director of Finance, or the Director of Project Development to execute the contract, subject to approval as to form by the Chief Counsel's Office.

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**LAKE OF THE OZARKS COMMUNITY BRIDGE CORPORATION,  
TRANSPORTATION CORPORATION,  
REAPPOINTMENT OF BOARD MEMBER**

On behalf of the Director, Pat Goff, Director of Finance, and Roger Schwartze, District 5 Engineer, presented a request by the Lake of the Ozarks Community Bridge Corporation to reappoint Albert Rendlen to the Lake of the Ozarks Community Bridge Corporation for a six-

year term expiring May 1, 2011.

Via approval of the consent agenda, the Commission unanimously approved the reappointment of Albert Rendlen to the Lake of the Ozarks Community Bridge Transportation Corporation, in accordance with the requirements of the Missouri Transportation Corporation Act.

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## **CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS**

### **Award of Contracts April 22, 2005, Bid Opening**

On behalf of the Director, Dave Nichols, Director of Project Development, stated that bids for road and bridge improvement projects had been received on April 22, 2005.

Mr. Nichols presented a tabulation of the bids received on all projects and recommended awards be made to the lowest responsive and responsible bidder noted below.

| <b><u>Route<br/>County<br/>Project</u></b>                    | <b><u>Bid Amount<br/>Plus 2% for<br/>Contingencies</u></b> | <b><u>Non-<br/>Contractual<br/>Costs</u></b> | <b><u>Contractor</u></b>                                       |
|---|--|--|--|
| <b>Call 101</b><br>H<br>Clinton<br>J1S0578                    | \$1,321,518.73   | \$633.72                                     | Emery Sapp & Sons, Inc.<br>Columbia, MO                        |
| <b>Call 201</b><br>V<br>Linn<br>J2S0722                       | 101,793.14   |  | APAC-Missouri, Inc.<br>Columbia, MO                            |
| <b>Call 301</b><br>54<br>Pike Co., MO/Pike Co., IL<br>J3P0673 | 5,084,465.40*  | 656.00                                       | Able & Svoboda, Inc.<br>Prior Lake, MN                         |
| <b>Call 401</b><br>10<br>Clay/Ray<br>J4P1685                  | 625,988.25   | 656.00                                       | APAC-Kansas, Inc.<br>Kansas City Division<br>Overland Park, KS |

|  |              |          |  |
|--|--------------|----------|--|
| <b>Call 402</b><br>Various<br>Various<br>J4M0146   | 201,061.48   | 144.00   | Superior Rail System, L.L.C.<br>Wellington, MO     |
| <b>Call 403</b><br>Various<br>Various<br>J4M0147   | 113,245.11   | 144.00   | Collins & Hermann, Inc.<br>St. Louis, MO           |
| <b>Call 404</b><br>71<br>Jackson<br>J4M0141        | 117,295.92   |          | Fulk Contracting, LLC<br>Platte City, MO           |
| <b>Call 601</b><br>70<br>St. Charles<br>J6I1598    | 2,038,386.91 |          | Magruder Construction<br>Co., Inc.<br>Eolia, MO    |
| <b>Call 602</b><br>94<br>St. Charles<br>J6S1815    | 63,102.30    | 5,000.00 | Gerstner Electric, Inc.<br>Fenton, MO              |
| <b>Call 603</b><br>AC<br>St. Louis<br>J6P1726      | 999,600.00   | 144.00   | Pace Construction<br>Company<br>St. Louis, MO      |
| <b>Call 604</b><br>44<br>Franklin<br>J6I1848       | 1,677,361.89 |          | Collins & Hermann, Inc.<br>St. Louis, MO           |
| <b>Call 605</b><br>64<br>St. Louis City<br>J6I1754 | 1,274,855.62 |          | Millstone Bangert, Inc.<br>St. Charles, MO         |
| <b>Call 606</b><br>Pks<br>St. Louis<br>J6L0566A    | 312,321.17   |          | N. B. West Contracting<br>Company<br>Brentwood, MO |



Pks  
St. Louis  
J6L0566B

**Call 607**

|           |              |          |  |
|-----------|--------------|----------|--|
| 340       | 354,424.63** | 5,144.00 | N. B. West Contracting<br>Company<br>Brentwood, MO |
| St. Louis |              |          |  |
| J6S1856   |              |          |  |

**Call 701**

|          |               |          |                                  |
|----------|---------------|----------|----------------------------------|
| 71       | 46,634,936.04 | 1,088.00 | Freesen, Inc.<br>Springfield, IL |
| McDonald |               |          |                                  |
| J7P0601C |               |          |                                  |
| 71       |               |          |                                  |
| McDonald |               |          |                                  |
| J7P0601F |               |          |                                  |
| 71       |               |          |                                  |
| McDonald |               |          |                                  |
| J7P0601I |               |          |                                  |
| 71       |               |          |                                  |
| McDonald |               |          |                                  |
| J7P0601G |               |          |                                  |

**Call 901**

|         |               |          |  |
|---------|---------------|----------|--|
| 72      | 15,694,817.91 | 5,652.16 | McAninch Corporation<br>Des Moines, IA |
| Dent    |               |          |  |
| J9P0362 |               |          |  |

**Call 902**

|         |            |       |   |
|---------|------------|-------|---|
| 44      | 464,078.50 | 72.00 | Progressive Contractors,<br>Incorporated<br>St. Michael, MN |
| Pulaski |            |       |   |
| J9I0554 |            |       |   |

|        |                        |                    |  |
|--------|------------------------|--------------------|--|
| Totals | <u>\$77,079,253.00</u> | <u>\$19,333.88</u> |  |
|--------|------------------------|--------------------|--|

\* State of Illinois is responsible for approximately \$2,492,385.00 (50%).

\*\*Church of the Incarnate Word is responsible for approximately \$153,883.52.

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

**Authority to Reject Bids**

Mr. Nichols advised that bids were received April 22, 2005, on the following project. He recommended the bids on Call 501 be rejected because they were considered excessive.

| <u>Route</u>    | <u>County</u> | <u>Project</u> |
|-----------------|---------------|----------------|
| <b>Call 501</b> |               |                |
| 65              | Benton        | J5P0778        |
| 13              | St. Clair     | J7P0793        |

### **Commission Action**

Commissioner Anderson called attention to Call 701, Route 71, McDonald County, which is a major corridor project. In response to Commissioner Anderson's inquiry, Mr. Nichols explained that even though the contractors could bid on the project using either concrete or asphalt for the roadway, all bidders selected the asphalt alternative.

After consideration and upon motion by Commissioner Michie, seconded by Commissioner McKenna, the Commission took the following action. Commissioner McKenna abstained from voting on Call 605.

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on April 22, 2005, as recommended and noted above, and authorized an additional two percent of the contract amount for contingencies. The Commission approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation.
2. Rejected the bids on Call 501 because they were deemed excessive.
3. Concurred in a bridge joint reconstruction and structural steel repair project on Route 60/62, Mississippi County, over the Mississippi River located just south of Cairo, Illinois, to Massman Construction Company in the amount of \$969,224. The Illinois Department of Transportation received bids on this project on April 29, 2005. MoDOT is responsible for 50 percent of the project cost.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, or Director of Program Delivery may execute the contracts awarded above.

\* \* \* \* \*

**DISPOSAL OF EXCESS PROPERTY,  
ROUTE 100, ST. LOUIS COUNTY**

On behalf of the Director, Ed Hassinger, District 6 Engineer, recommended conveyance of Excess Parcel No. E6-26842, to Horn Lake Properties, LLC, for the consideration of \$76,900. This 0.27 acre of land is located where eastbound and westbound Manchester Road (Route 100) merge into the undivided part of Manchester Road in Des Peres, St. Louis County.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

\* \* \* \* \*

**DISPOSAL OF EXCESS PROPERTY,  
ROUTE 63, HOWELL COUNTY**

On behalf of the Director, Tom Stehn, District 9 Engineer, recommended conveyance of Excess Parcel No. E9-106, Route 63, Howell County, as follows:

- 1.12-acre portion to Hoover Brothers Farms, Inc., for consideration of \$127,500.
- 1.88-acre portion and 4.08-acre portion to Hoover Brothers Farms, Inc., for a nominal consideration.
- 1.61-acre portion and 0.70-acre portion to Hoover Brothers Farms, Inc., and Clyde L. Stewart and Ruth E. Stewart for a nominal consideration.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

\* \* \* \* \*

**ROADWAY LOCATION AND DESIGN**

On behalf of the Director, District Engineers informed the Commission that preliminary plans and exhibits for the following projects were presented at a public hearing.

**Route ZZ, Franklin County  
At Cedar Fork Creek, 0.1 mile east of Route Y  
Job No. J6S1676**

**Public Hearing Held February 17, 2005**

This proposed improvement will replace Bridge R-290 over Cedar Fork Creek. This project will have normal access right of way. Route ZZ will be closed to through traffic during construction. The project is 0.2 mile in length.

Ed Hassinger, District 6 Engineer, recommended approval of the location and design as presented at the public hearing with the revision to use the existing bridge substructure in place.

**Route 185, Franklin County  
Elmont Road over I-44  
Job No. J6S1850**

**Public Hearing Held March 14, 2005**

This proposed improvement provides for the relocation of Route 185 slightly to the east and the construction of a new Route 185 bridge over Interstate 44, which will connect to Elmont Road. The new bridge will have two 12-foot lanes and two 6-foot shoulders. Improvements will also be made to Alice Road to provide a connection to Route 185 and extend the roadway to the east to tie into Route WW (North Outer Road). Additionally, improvements will be made to West Springfield Road, Route D, and North Park Street to provide new connections to the South Outer Road. This project will have partially controlled access right of way. There will be temporary lane closures on Interstate 44 and short-term detours on Springfield and Elmont Roads. This project is 1.0 mile in length.

Ed Hassinger, District 6 Engineer, recommended approval of the location and design as presented at the public hearing with the following modifications:

- Remove the cul-de-sac on the South Outer Road east of Exit 225 and limit traffic flow to northbound only. This will provide better access to the existing commercial properties along the South Outer Road.
- Signalize West Springfield/Relocated 185/North Park Street.

**Route 76, Taney County  
Roark Valley Road and Route 65 in Branson  
Job No. J8S0719**

**Public Hearing Held February 8, 2005**

This proposed improvement provides intersection improvements at Roark Valley Road and Route 65 in Branson to relieve congestion and increase safety. This project will have normal access right of way.

Traffic will be maintained during construction. This project is 0.6 mile in length.

Dale Ricks, District 8 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route Business Loop 44, Greene County  
At the Intersection of B.L. 44 (Chestnut Expressway) and National Avenue  
Job No. J8S0788**

**Public Hearing Held March 10, 2005**

This proposed improvement provides dual left-turn lanes, improved right-turn lanes and signal and lighting modifications on all four approaches of the intersection. This project will have controlled access right of way on Business Loop 44. Traffic will be handled over the existing pavement. This project is 0.3 mile in length on Business Loop 44 and 0.2 mile in length on National Avenue.

Dale Ricks, District 8 Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social and environmental effects of the recommended designs, the Commission via approval of the consent agenda, unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation. Commissioner Anderson abstained from voting on Job No. J8S0788, Business Loop 44, Greene County.

\* \* \* \* \*

**RATIFICATION OF APPROVAL OF RIGHT OF WAY  
PLANS FOR CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Project Development, recommended the Commission ratify the approval of the Chief Engineer of the following right of way plans that have been filed for condemnation.

| <u>County</u> | <u>Route</u>  | <u>Job Number</u> | <u>Date Commission<br/>Approved Design</u> |
|---------------|---------------|-------------------|--|
| Jackson       | US 71 & I-470 | J4I0766           | December 3, 1999                           |
| St. Louis     | I-64          | J6I0978           | *  |
| St. Charles   | A             | J6S1600           | Not Required **                            |
| Clark         | 61            | J3P0423B          | December 6, 2002                           |

\*The Final EIS was signed by FHWA on March 29, 2005, which established the location for the proposed improvement and its environmental impact. A Record of Decision is expected to be approved by FHWA by June 2005 at which time the Commission can formally approve the location of the proposed improvement.

\*\* Fewer than 5 parcels

In accordance with Section 227.050 RSMo, the Commission, via approval of the consent agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

\* \* \* \* \*

## **-- REPORTS --**

### **CONTRACTOR PERFORMANCE REPORT**

Dave Ahlvers, State Construction and Materials Engineer, presented the annual Contractor Performance Report for 2004. The Department utilizes this process to encourage performance improvement on contracts. This rating system identifies best and worst performers. Failure to improve performance leads to increased disciplinary measures.

\* \* \* \* \*

### **FINANCIAL ACCOUNTABILITY REPORT, QUARTERLY REPORT**

Pat Goff, Director of Finance, presented the Financial Accountability Quarterly Report for the period ending March 31, 2005. The statutes require staff to present a quarterly financial report in conformity with generally accepted accounting principles.

\* \* \* \* \*

\* \* \* \* \*

By unanimous vote of all members present, the meeting of the Commission was adjourned.

\* \* \* \* \*